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09/823,097	03/29/2001	John R. Wall	VSTA116165	8395

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/823,097

Applicant(s)

WALL ET AL.

Examiner

El Hadji M Sall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 14-25 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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**1. DETAILED ACTION**

This action is responsive to the application filed on March 29, 2001. Claims 1-25 are pending.

**2. Election/Restrictions**

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-13, drawn to network resources access controlling classified in class 709, subclass 229.

Group II, claim(s) 14-25, drawn to computer network monitoring classified in class 709, subclass 224.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as controlling access to resources in a network environment. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Maria Anderson (Registration No. 40,574) on July 14, 2004 a provisional election was made without traverse to prosecute the invention of group I, claims 1-13.

Applicant in replying to this Office action must make affirmation of this

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election. Claims 14-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

**3. *Claim Rejections - 35 USC § 112***

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the interconnected client computer" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim. For purpose of prior art rejection in this office action, examiner presumes "an interconnected client computer".

**4. *Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

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under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-6, 9, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. U.S. 6,732,162.

Wood teaches the invention as claimed including method of providing preprocessed images for a plurality of Internet web sites (see abstract).

As to claim 1, Wood teaches a computer based method for creating and using computer readable instructions for a set of web documents on a web site, the method comprising:

receiving a request by a user to create a set of web documents on a host computer system (column 4, lines 61-62, Wood discloses a media object is submitted by an end user dragging content into a MAPD system customer's web page);

identifying said user based upon a unique identifier associated with the user (column 4, line 63, Wood discloses media object ID data is also collected);

determining corresponding information for the unique user identified from a database of information using said unique identifier (column 5, lines 1-6, Wood discloses the media object is uploaded into the MAPD system with ID information...the media object is processed by the MAPD system in accordance with a profile that represents the requirements of the destination web sites...);

creating computer readable instructions for a set of web documents using said corresponding information to be executed on the host computer system (column 6, lines 15-20, Wood discloses the media object and ID information are received by the second location...in accordance with pre-determined instructions per the second location); and

providing web site hosting functions from the host computer system to an interconnected client computer to the unique user for using said set of web documents (see abstract, Wood discloses...the hosting service delivers a media object URL to a remote database, allowing the media object to be requested and served by the media object server...).

As to claim 2, Wood teaches the method of claim 1, wherein the request to create a set of web documents is received via an internetworked set of computers (figure 7; column 9, lines 57-67, Wood discloses a cluster organization is followed that uses three clusters...web submissions from the MAPD system Aprepare and post@ tool are received by the inbound cluster. Within the inbound cluster, the MAPD system repository is consulted in order to form a distribution request...).

As to claim 3, Wood teaches the method of claim 1, wherein said unique identifier is based on phone number (column 12, lines 66-67, Wood discloses a registration form is completed that contains standard entries such as...phone).

As to claim 4, Wood teaches the method of claim 1, wherein said unique identifier is based upon a student identification number (column 12, lines 66-67, Wood discloses a registration form is completed that contains standard entries such as and ID...).

As to claim 5, Wood teaches the method of claim 1, wherein the computer readable instructions for each said set of web documents is created in HTML (column 6, lines 43-45, Wood discloses as in the case of the hosting service, at each destination web site, a web page is created having HTML...).

As to claim 6, Wood teaches the method of claim 1, the computer readable instructions provide the unique user a means of choosing at least one feature for the set of web documents (column 2, lines 11-20, Wood discloses...for example, a national real state portal may only accept still images

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of certain size and quality...while the agent individual web site may require...representation of the images at a different quality setting...).

As to claim 9, Wood teaches the method of claim 6, wherein the at least one feature is a means of posting a message to a message board (column 7, lines 3-7, Wood discloses when the user clicks the send photos button, the media objects are processed and transported immediately according to the configuration of the tool and in accordance with the hosting service or the mirroring service previously described).

As to claim 11, Wood teaches the method of Claim 6, wherein the at least one feature is a means of browsing content of web documents on the web site (column 6, lines 21-24, Wood discloses when a user hits the customer's web sites that contain media objects from the MAPD system, the web sites and media objects are served from the customer's web server).

As to claim 12, Wood teaches the method of Claim 6, wherein the at least one feature is a means of displaying and updating a calendar of events (column 23, lines 1-8, Wood discloses maintenance table description: this table is used to schedule database object and media retirement activities...).

As to claim 13, Wood teaches the method of claim 6, wherein the at least one feature is a predetermined style and layout for the set of web documents (abstract, Wood discloses...MAPD system services include media object submission, processing, hosting and mirroring...)

**6.*****Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. U.S. 6,732,162 in view of Montcreiff U.S. 5,828,839.

Wood teaches the invention substantially as claimed including method of providing preprocessed images for a plurality of Internet web sites (see abstract).

As to claim 7, Wood teaches the method of claim 6.

Wood fails to teach the at least one feature is a means of purchasing services or merchandise.

However, Moncreiff teaches computer network chat room based on channel broadcast in real time. Moncreiff teaches the at least one feature is a means of purchasing services or merchandise (column 7, lines 52-63, Moncreiff discloses...accounting data is generated based on the merchandise information pages that are displayed in the web page window 104, and based on the merchandise that is purchased using the merchandising pages).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wood in view of Moncreiff to introduce at least one feature that is a means of purchasing services or merchandise. One would be motivated to do so to allow a merchandising window to be presented for effecting transactions of merchandise that relates to the current program (see abstract).

As to claim 8, Wood teaches the method of claim 6.

Wood fails to teach the at least one feature is a means of reserving an appointment.



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However, Moncreiff teaches the at least one feature is a means of reserving an appointment (column 7, lines 41-45, Moncreiff discloses the chat module 26 provides a bookmark to the user to indicate the selected remote chat area, and the logic proceeds as before in enabling the user to enter the remote chat rooms...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wood in view of Moncreiff to introduce at least one feature is a means of reserving an appointment. One would be motivated to do so to facilitate selection of the remote chat room in the same manner as the home sub-area and channel are selected (column 7, lines 38-40).

As to claim 10, Wood teaches the method of Claim 6.

Wood fails to teach the at least one feature is a means of using the Internet to chat with other users of a web site.

However, Moncreiff teaches at least one feature is a means of using the Internet to chat with other users of a web site (abstract, Moncreiff discloses...computer users access the chat rooms via the Internet by inputting their desired television or radio channel, along with a request to enter a chat room...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wood in view of Moncreiff to introduce at least one feature is a means of using the Internet to chat with other users of a web site. One would be motivated to do so that any kind of information can be exchanged.

## **8. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 703-306-4153. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157

ED

  
**SALEH NAJJAR**  
**PRIMARY EXAMINER**